

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NO.: 19816-AG20-1019-193

IN THE MATTER OF:

Stacy Elaine Custer
8585 E. 180 S.,
Greentown, IN 46936

Respondent.

Type of Agency Action: Enforcement

License Number: 691849

FILED

FEB 18 2021

STATE OF INDIANA
DEPT. OF INSURANCE

FINAL ORDER


The Enforcement Division of the Indiana Department of Insurance ("Department"), by counsel, Victoria Hastings, and Stacy Elaine Custer ("Respondent"), a licensed resident insurance producer, signed an Agreed Entry which purports to resolve all issues involved in the above-captioned cause number, and which has been submitted to the Commissioner of the Indiana Department of Insurance ("Commissioner") for approval.

The Commissioner, after reviewing the Agreed Entry, which permanently revokes Respondent's resident producer's license due to Respondent misappropriating monies received in the course of doing insurance business, and for removing funds from the office cash drawer and depositing those funds into her personal bank account, finds it has been entered into fairly and without fraud, duress or undue influence, and is fair and equitable between the parties. The Commissioner hereby incorporates the Agreed Entry, attached, as if fully set forth herein, and approves and adopts in full the Agreed Entry as a resolution of this matter.

IT IS THEREFORE ORDERED by the Commissioner as follows:

1. Respondent's resident producer license number 691849, along with all authority Respondent has to conduct insurance business in the state of Indiana, shall be permanently revoked, effective the date of this Final Order.
2. Respondent shall not reapply for licensure.

2-18-2021
Date Signed


Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Distribution:

Victoria Hastings Attorney
ATTN: Steven A. Embree, Insurance Investigator
Indiana Department of Insurance
311 West Washington St, Suite 103
Indianapolis, Indiana 46204-2787

Stacy E. Custer
8585 E. 180 S.,
Greentown, IN 46936

WHEREAS, Respondent admitted to having accepted cash payments from at least three (3) clients and subsequently failed to properly apply each payment per Farm Bureau procedures;

WHEREAS, Respondent admitted to applying a portion of the cash premiums to each consumer account, while suspending each consumer account until the remainder of the payment could be applied later in the month resulting in nonpayment cancellations and late fees for the consumers;

WHEREAS, Respondent admitted to having removed over one thousand eight hundred fifty-seven dollars from the office's cash drawer and deposited that money into Respondent's personal bank account;

WHEREAS, Indiana Code § 27-1-15.6-12(b)(4) states, in part, that the Commissioner may permanently revoke a producer's license for improperly withholding, misappropriating, or converting monies or properties received in the course of doing insurance business;

WHEREAS, Indiana Code § 27-1-15.6-12(b)(8) states, in part, that the Commissioner may permanently revoke a producer's license for using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in Indiana or elsewhere; and

WHEREAS, the Department and Respondent (collectively, the "Parties") desire to resolve this matter without the necessity of a hearing.

IT IS, THEREFORE, NOW AGREED by and between the Parties as follows:

1. The Commissioner has jurisdiction over the subject matter and the Parties to this

Agreed Entry.

2. In order to avoid formal litigation in this matter, Respondent has determined that it is in her best interests to enter into this Agreed Entry. As such, Respondent acknowledges that she executes this Agreed Entry with full realization of its contents and effects.
3. This Agreed Entry is executed knowingly, voluntarily, and freely by the Parties. The Parties agree that the terms of this Agreed Entry constitute final resolution of this matter.
4. Respondent knowingly, voluntarily and freely waives the right to a public hearing on this matter, including the right to appear in person before the Commissioner, present evidence, cross-examine witnesses, and present arguments.
5. Respondent knowingly, voluntarily and freely waives the right to judicial review of this matter or otherwise appeal or challenge the validity of this Agreed Entry.
6. Respondent knowingly, voluntarily, and freely waives, releases, and forever discharges all claims or challenges, known or unknown, against the Department, its Commissioner, employees, agents, and representatives, in their individual and official capacities, that arise out of or are related to the Agreed Entry or Final Order, including but not limited to any act or omission as part of the underlying audit, investigation, negotiation, or approval process.
7. Respondent's resident producer's license #691849, shall be permanently revoked, along with all authority Respondent has to conduct insurance business in the state of Indiana, effective the date on which the Commissioner signs the Final Order adopting this Agreed Entry.
8. Respondent shall not reapply for licensure.

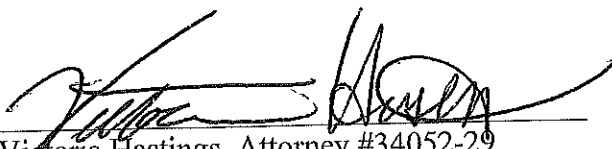
9. Respondent has carefully read and examined this Agreed Entry and fully understands its terms.
10. Respondent has had the opportunity to have this Agreed Entry reviewed by legal counsel of her choosing, at her own expense, and is aware of the benefits gained and obligations incurred by the execution of this Agreed Entry. Respondent understands and agrees that the Department cannot give her legal advice.
11. Respondent has entered into this Agreed Entry knowingly, voluntarily, and freely, and has not been subject to duress, coercion, threat, or undue influence.
12. This Agreed Entry constitutes the entire agreement between the Parties, and no other promises or agreements, express or implied, have been made by the Department or by any employee, director, agent or other representative thereof to induce Respondent to enter this Agreed Entry.
13. The Department agrees to accept Respondent's compliance with the terms of this Agreed Entry as full satisfaction of this matter, and warrants and represents that so long as Respondent complies with the terms of this Agreed Entry, the Department will not bring any further action against Respondent based on the facts that gave rise to this Agreed Entry.
14. In the event the Department finds there has been a breach of any of the provisions of this Agreed Entry, the Department may reopen this matter and pursue alternative action pursuant to Indiana Code § 27-1-15.6-12.
15. Respondent waives any applicable statute of limitations for purposes of any enforcement of the terms and conditions of this Agreed Entry.

16. Respondent acknowledges that this Agreed Entry may be admitted into evidence in any judicial or administrative proceeding against Respondent to enforce the terms and conditions contained herein.
17. Respondent understands that this Agreed Entry resolves only the matter pending with the Department and does not affect any criminal prosecution or civil litigation that may be pending or hereinafter commence against Respondent.
18. This Agreed Entry does not in any way affect the Department's authority in future audits, investigations, examinations, negotiations, or other complaints involving Respondent.
19. It is expressly understood that this Agreed Entry is subject to the Commissioner's acceptance and has no force or effect until such acceptance is evidenced by the entry of a Final Order by the Commissioner.
20. Should this Agreed Entry not be accepted by the Commissioner, it is agreed that presentation to, and consideration of this Agreed Entry by the Commissioner, shall not unfairly or illegally prejudice the Commissioner or Respondent from further participation in or resolution of these proceedings.
21. If this Agreed Entry is accepted by the Commissioner, it will become part of Respondent's permanent record and may be considered in future actions brought by the Department or any other regulator against Respondent. It is further understood that, if accepted by the Commissioner, this Agreed Entry and resulting Final Order are public records pursuant to Indiana Code § 4-21.5-3-32 that may not be sealed or otherwise withheld from the public, and may be reported to the


National Association of Insurance Commissioners and published on the Department's website as required.

22. Respondent acknowledges that this is an Administrative Action and that she may be required to report to other jurisdictions in which she is licensed and on future licensing applications.

2/9/2021
Date Signed


Victoria Hastings, Attorney #34052-29
Indiana Department of Insurance

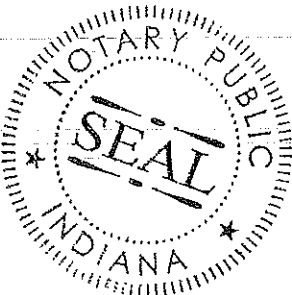
12-31-20
Date Signed


Stacy E. Custer, Respondent

STATE OF INDIANA)
) SS:
COUNTY OF Tipton)

Before me a Notary Public for Tipton County, State of Indiana,
personally appeared Stacy Elaine Custer, and being first duly sworn by me upon her oath, says
that the facts alleged in the foregoing instrument are true.

Signed and sealed this 31st day of December, 2020.



Beth A. Rippey
Signature

Beth A. Rippey
Printed

My Commission expires: 3/22/2023

County of Residence: Tipton